

REMARKS

The statement in the outstanding Office Action that claims 19-21, 24, 62-64, and 67 are objected to but would be allowable if rewritten as independent claims including all of the limitations of the base claim and any intervening claims and if the claims are limited to the recited limitations of the elected composition, is appreciated.

Independent claims 1 and 43 have been amended to characterize the fabric treatment agent as comprising a fabric softener component comprising an amidoamine quaternary ammonium compound or an ester quaternary ammonium compound, and to characterize the carrier component as comprising an ethylene bisamide. Furthermore, claims 1 and 43 have been amended to include the features of canceled claims 19 and 62 respectively. Claims 72 and 73 are based upon amended claims 1 and 43 but include the features of claims 20 and 63 rather than the features of claims 19 and 62. New claims 73 and 74 are based upon amended claims 1 and 43 but include the features of canceled claims 21 and 64 rather than claims 19 and 62. New claims 75 and 76 are based upon amended claims 1 and 43 except include the features of canceled claims 24 and 67 rather than claims 19 and 62.

In view of the above comments, it is submitted that the presently pending claims are based upon the claims indicated to be allowable in the outstanding Office Action. Although the claims have not been restricted to the specific species of methyl bis(tallow amidoethyl)-2-hydroxyethyl ammonium methyl sulfate, it is submitted that the species recited in the independent claims encompass the elected species of methyl bis(tallow amidoethyl)-2-hydroxyethyl ammonium methyl sulfate.

The outstanding Office Action includes one prior art-based rejection. Claims 1-5, 9-11, 16, 18, 22, 23, 25-27, 42-49, 53-55, 60, 61, 65, 66, and 68-70 stand rejected under 35 U.S.C. §103(a) over U.S. Patent No. 5,480,567 (*Lam et al.*) and U.S. Patent No. 5,300,238 (*Lin et al.*). This rejection is traversed.

It is pointed out that the claims pending in the above-identified patent application are based upon claims 19-21, 24, 62-64, and 67 that were indicated to be allowable if rewritten in independent form and included the recited limitations of the elected composition. In view of the above amendment, it is believed that the claims pending in the application are now based upon the claims that were indicated to have been allowable.

Lam et al. describe tumble drying articles such as dryer sheets. See the disclosure of the articles described by *Lam et al.* at column 4, lines 20-48. *Lam et al.* fail to disclose or suggest: blocks constructed to provide release of an effective amount of a fabric treatment agent during at least 10 drying cycles in a dryer; a block constructed for attachment to an inside surface of a dryer; a ball constructed to release a fabric treatment agent during at least 10 drying cycles; or a composition in the form of at least one of a pellet, a tablet, or a molded unit according to the present invention.

The outstanding Office Action recognizes that *Lam et al.* fail to disclose or suggest the species of methyl bis(tallow amidoethyl)-2-hydroxyethyl ammonium methyl sulfate. See page 4 of the outstanding Office Action.

Lin et al. describe fabric conditioning compositions for coating a flexible substrate for subsequent use in a mechanical tumble dryer. See *Lin et al.* at column 1, lines 12-16. It is submitted that the types of articles described by *Lin et al.* can generally be referred to as "dryer sheets" and are similar to the types of articles described by *Lam et al.* Accordingly, one having ordinary skill in the art would not have received the suggestion from *Lin et al.* to modify *Lam et al.* to achieve the presently claimed invention.

In view of the above comments, the presently claimed invention would not have been obvious from *Lam et al.* and *Lin et al.*, and withdrawal of the outstanding rejection is requested.

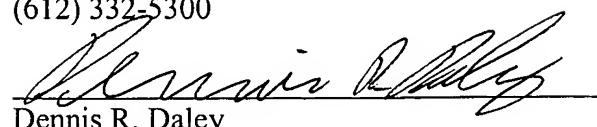
Additionally, the Examiner has requested the applicants provide a list of 3-5 most pertinent references and their relevancy since applicants have submitted approximately 100 references for consideration. Applicants respectfully apologize for the inconvenience and point out that the references cited in the present application have also been cited and considered in parent application No. 10/120,891, filed April 10, 2002, and the applications cited in the above-identified patent application at page 22, lines 21-29. As a result, the lengthy citation of references is simply provided to comply with the duty of disclosure by informing the United States Patent and Trademark Office of the references that were cited during the prosecution of these applications.

In addition, it appears the Office Action has incorrectly characterized claim 53 as being withdrawn. *See* page 2, item 2. Applicants respectfully request clarification.

It is believed that this application is in condition for allowance. Early notice to this effect is earnestly solicited.

Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
(612) 332-5300


Dennis R. Daley

Reg. No. 34,994
DRD:jjb

Date: November 11, 2005

